



Docket No.: 250414US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No.: 10/798,553
Applicants: Hiroyuki YAMASA, et al.
Filing Date: March 12, 2004
For: WEATHER STRIP AND METHOD OF
MANUFACTURING THE SAME
Group Art Unit: 1772
Examiner: CHEVALIER, A.

SIR:


Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 250414US3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROYUKI YAMASA, ET AL. : EXAMINER: CHEVALIER, A
SERIAL NO: 10/798,553 :
FILED: MARCH 12, 2004 : GROUP ART UNIT: 1772
FOR: WEATHER STRIP AND METHOD :
OF MANUFACTURING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated July 22, 2005, Applicants provisionally elect Group (Invention) I, Claims 1-17, drawn to a weather strip, classified in class 428, subclass 143.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action asserts that the Inventions I and II are distinct each from the other under MPEP §806.05(f), because “[i]n the instant case the product as claimed can be made by a materially different process such as injection molding.” However, without further information, such a finding lacks grounds upon which it can be evaluated whether in fact the proposed alternative is “materially different” under MPEP §806.05(f). Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

Furthermore, MPEP §803 states the following:

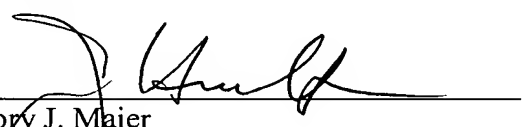
If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application, Claims 1-17 are directed to a weather strip while Claims 18-20 are directed to a method of manufacturing a weather strip. Hence, it appears that these claims according to the present invention are part of an overlapping search area and that a search for Claims 1-17 would necessarily include a search directed to Claims 18-20 as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP §803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-20 be conducted.

Respectfully submitted,

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